

**REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-20 in the application. The Applicants have previously amended Claims 1 and 8, canceled Claims 3 and 10 without prejudice or disclaimer and added Claims 21-22. After an Appeal Brief was filed, the Examiner reopened prosecution.

In the present response, the Applicants have not canceled, added or amended any claims. Accordingly, Claims 1-2, 4-9 and 11-22 are currently pending in the application.

**I. Rejection of Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,044,266 to Kato in view of U.S. Patent No. 5,960,357 to Kim. The Applicants respectfully disagree.

As argued in the previous response, Kato does not teach or suggest identifying a pause in voice traffic that is to be transmitted over the voice channel and responding to the pause by causing the base station transmitter to transmit data to the cordless telephone receiver over the voice channel as recited in independent Claims 1, 8 and 15. Instead, Kato discloses a mobile packet data station that monitors a voice path between a mobile or cordless telephone and a base station to identify silent periods in the voice path. During the silent periods, the mobile packet data station transmits data from the mobile packet data station to the base station. (See the Abstract; column 4, lines 6-26; and Figure 1.) Kato, therefore, teaches the mobile packet data station transmits data to the base station but does not teach or suggest the base station transmits data to the mobile or cordless receiver. Additionally, the Applicants do not find where Kato teaches or suggests data is transmitted over the voice channel between the base station transmitter and the cordless telephone receiver. Accordingly, Kato does not teach or suggest each element of independent Claims 1, 8 and 15.

In the "Response to Arguments" of the Examiner's Final Rejection, the Examiner asserts that the second embodiment of Kato does disclose the base station transmitting data packets during the silent period on the voice channel. (See page 2 of Examiner's Final Rejection citing column 3, lines 31-32 and Figure 5 of Kato.) The second embodiment of Kato, however, still teaches the mobile packet data station transmits data to the base station during silent periods. (See column 8, lines 45-46.) The second embodiment differs from the first embodiment Kato by being usable with a base station that does not use Voice-Operated Transmission (VOX) control since the second embodiment adjusts a base station so that it can perform VOX control. (See column 8, lines 36-45 and column 9, lines 35-38.) Thus, the second embodiment of Kato also teaches the mobile packet data station transmits the data packets to the base station. (See column 9, lines 24-35; column 10, lines 2-20; and Figure 7B.) As such, Kato does not teach or suggest, in any of the disclosed embodiments, identifying a pause in voice traffic that is to be transmitted over the voice channel and responding to the pause by causing the base station transmitter to transmit data to the cordless telephone receiver over the voice channel as recited in independent Claims 1, 8 and 15.

Kim has not been cited to teach or suggest responding to an identified pause in voice traffic by causing the base station transmitter to transmit data to the cordless telephone receiver over a voice channel as recited in independent Claims 1, 8 and 15. Instead, Kim has been relied upon to teach a silence detector coupled to a transmitter. (See Examiner's Final Rejection, pages 3-4.) Additionally, Kim does not teach or suggest responding to an identified pause in voice traffic that is to be transmitted over a voice channel between a base station transmitter and a cordless telephone receiver by causing the base station transmitter to transmit data to the cordless telephone receiver over the voice channel as recited in independent Claims 1, 8 and 15. Instead, Kim is directed to executing an automatic calling function in a cordless telephone system including a fixed base station and a flip-

type remote handset. (See column 1, lines 15-19.) The Applicants do not find any teaching or suggestion where Kim discloses the fixed based station transmits data to the flip-type remote handset in response to an identified pause in voice traffic therebetween. As such, Kim does not cure the above noted deficiency of Kato. Thus, the cited combination of Kato and Kim does not teach each and every element of independent Claims 1, 8 and 15.

Since the cited combination of Kato and Kim does not teach or suggest all of the elements of independent Claims 1, 8 and 15, the cited combination does not establish a *prima facie* case of obviousness of independent Claims 1, 8 and 15 and Claims dependent thereon. Thus, Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22 are not unpatentable in view of Kato and Kim. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 1-2, 4-6, 8-9, 11-13, 15-19 and 22 and issue allowance thereof.

## II. Rejection of Claims 7, 14 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 7, 14 and 20 under 35 U.S.C. §103(e) as being unpatentable over Kato and Kim in view of U.S. Patent No. 6,301,287 to Walley, *et al.* As discussed above, the cited combination of Kato and Kim fails to teach or suggest each element of recited in independent Claims 1, 8 and 15. Walley has not been cited to cure the above noted deficiency of Kato and Kim but only for the premise of teaching the subject matter of dependent Claims 7, 14 and 20. Thus, the cited combination of Kato, Kim and Walley does not teach or suggest all of the elements of the inventions of independent Claims 1, 8 and 15 and thus, does not establish a *prima facie* case of obviousness of dependent Claims 7, 14 and 20 which include the elements of the respective independent claims. The Applicants therefore respectfully traverse the Examiner's rejection of Claims 7, 14 and 20 under 35 U.S.C. §103(a) and request issuance of allowance thereof.

Appl. No. 09/514,489

Reply to Examiner's Action dated 01/03/2006

**III. Conclusion**

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-2, 4-9 and 11-22.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to deposit account 08-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss  
Registration No. 48,981

Dated: 2/23/06

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800